

### **Remarks**

In the office action of June 30, 2004, claims 1-44, 56-61, 64-67, 69-71, 74-76, 81-96, 101-103, 106-110 and 112-122 were pending. Claims 69 has been cancelled, and claim 103 has been amended. Thus, claims 1-44, 56-61, 64-67, 70, 71, 74-76, 81-96, 101-103, 106-110 and 112-122 are currently pending. Applicant notes with appreciation the allowance of claims 1-44, 56-61, 64-67, 70, 71, 74-76, 81-96, 101, 102, 106-110 and 112-120. The Examiner has not indicated that claims 121 and 122 are rejected, and therefore the Applicant presumes the allowance of these claims as well.

Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

### **Rejection under 35 U.S.C. § 103**

Claim 103 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,674,296 to Bryan et al. in view of U.S. Patent No. 5,868,796 to Buechel et al. This rejection is respectfully traversed because claim 103, as amended, recites:

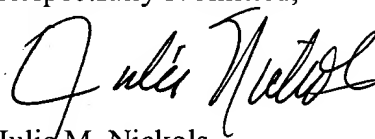
A motion-preserving bone joint implant comprising a central body having a resilient, deformable portion and a *polymer* coating thereon, wherein the coating increases the surface lubricity of the central body.

In contrast, the Buechel reference teaches “[a] preferred hard biologically inert coating material, as explained further below, is titanium nitride. Alternate coating materials are zirconium, titanium boride, titanium carbide, aluminum oxide and diamond.” Thus, Applicant requests that the rejection of claim 103 under §103 be withdrawn.

**Conclusion**

As a result of the foregoing, it is respectfully asserted that pending claims 1-44, 56-61, 64-67, 70, 71, 74-76, 81-96, 101-103, 106-110 and 112-122 are in condition for allowance. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,



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